

contracted with, and to own, maintain, possess and operate the railroad referred to in such certificate, and to transact all business connected with the same; and a copy of such certificate attested by the secretary of state shall in all courts and places be evidence of the due organization and existence of such corporation and of the matters specified in such certificates; and provided, however, that nothing in this or the following section contained shall be construed to confer upon any railroad lying wholly within this State or partly within this State and partly within an adjoining State or the District of Columbia, organized under the provisions of this article, where any portion of said railroad lying within the State of Maryland is uncompleted, any of the rights, franchises, privileges, benefits or advantages belonging to the corporation whose railroad shall be so sold as aforesaid until the railroad company so organized under the provisions of this article shall have entered into a bond to the State of Maryland with surety or sureties satisfactory to the "Board of Public Works" in the penalty of twenty-five thousand (\$25,000) dollars conditioned upon the building, in each year, and placing in operation of at least five miles of such uncompleted road in each twelve months, counting from the date of the organization of said railroad under this section, until the entire road within the State of Maryland as originally contemplated and provided for in the charter of the corporation whose railroad and franchises may be sold, shall have been fully completed and put in operation, whereupon said bond shall be and become null and void; otherwise to remain in full virtue and effect; and provided further, that upon the failure of any corporation organized under the provisions of this section, of a railroad lying wholly within this State, or partly within this State and partly within an adjoining State or the District of Columbia, to construct and operate five additional miles in each year in accordance with the first proviso hereof, the attorney-general of the State shall cause suit to be brought in the name of the State against such company for a forfeiture of its charter and corporate existence and to enforce the penalty of said bond so given to the State of Maryland.

Where the assets of a railroad company are sold under a foreclosure of mortgage to a purchaser who organizes a new company to take over the property in accordance with this and the succeeding sections, neither the original purchaser nor the new company become entitled to an exemption from taxation which had been granted the defunct company. This section and the following ones were not intended to provide for the reorganization of embarrassed corporations, but for forming an entirely new corporation. The word "immunities" as used in section 296, construed. *B., C. & A. Ry. Co. v. Wicomico County*, 103 Md. 280 (decided in 1906); *B., C. & A. Ry. Co. v. Wicomico County*, 93 Md. 117; *B., C. & A. Ry. Co. v. Ocean City*, 89 Md. 95. And see *Wicomico County v. Bancroft*, 203 U. S. 112 (reversing *Wicomico County v. Bancroft*, 135 Fed. 977, and *Bancroft v. Wicomico County*, 121 Fed. 874). Note, however, section 103.

See sec. 438.

1910, ch. 725 (p. 80).

**295.** Any corporation heretofore formed under the provisions of section 294 of article 23 of the annotated code of public civil laws of